

**ANDOVER BOARD OF HEALTH**  
**Minutes**  
**October 31, 2013, 6:00 P.M.**  
**CD&P First Floor Conference Room**  
**36 Bartlet Street**

The Board of Health Meeting was called to order at 7:30 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Vice-Chairman, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Gopala K. Dwarakanath, Clerk, was not present due to a scheduling conflict.

**I. Appointments & Hearings**

- **7:30 p.m. – Sun B. Son for Boston King Café – Show Cause Hearing to discuss Reinstatement of the Suspended Food Establishment License for Boston King Café** – Mr. Son, owner of Boston King Café, David F. Bernardin, Esq. and Rory Linn, employee, were present. Ms. Martin stated that this was a special meeting that was scheduled for evaluation of the closure of Boston King Café. Mr. Carbone stated that he just received a document from Mr. Son titled “Schedule for Cleaning and Maintenance” this morning.

Atty. Bernardin stated that Mr. Son has hired a professional Chef with a lot of experience, he is ServeSafe Certified, and will be contracted to work for Mr. Son for one year. They have also hired another new employee who has worked in several restaurants. The Private Inspector, Michelle Cramm, has worked and trained the employees, and given them the ServeSafe test so everyone is now ServeSafe Certified. Atty. Bernardin stated that Mr. Linn did so well on the test, that his score now qualifies him to administer the test to other people. Mr. Son has in writing what he feels is a comprehensive plan, and will contract with Ms. Cramm for meetings every two weeks for at least the first six weeks. She will come unannounced and will be very critical of what she sees.

They have made a checklist of various functions, and have divided up sections of the food service areas which certain employees will have responsibility for cleaning, and a checklist where they will be checking each other on a daily basis. The Board found that there was a lot of confusion concerning the checklists. Ms. Martin attempted to explain how confusing the checklists were and that the Board needed to have clarification on what tasks would be done on what day and by whom. Some of the tasks were to be done on a daily basis, some on a weekly basis, and some on a monthly basis, but the checklists were not clear on who was to do which job on which days.

There was also scheduled maintenance that has to be done on the fire suppression system, and the hood. Mr. Carbone explained that when scheduled maintenance is done, a sticker is put on the hood and then the next scheduled cleaning is posted on the hood. This is how the inspector can be sure that the cleaning has been done in a timely manner. These items have to be on the checklists as well. Mr. Linn stated that he would change the checklists to reflect the issues the Board addressed.

Mr. Son and Mr. Linn both stated that if the chef was not available to work due to illness or vacation time, that they would be willing to close the restaurant on the days the Chef was not available. The Board Members stated that they could not believe that the Chef could be at the restaurant every single day, and that to close the restaurant on the days he was not there was unreasonable. So much emphasis was put on the fact that the Chef would make all the difference that the Board was very concerned that Mr. Son and Mr. Linn felt that hiring the Chef would solve all their problems. Ms. Martin stated that she could never agree to allow the restaurant to reopen contingent on this one person showing up every day.

After more discussion of the same issues, the Board stated that the compliance plan proposed needed more work, and would not allow the restaurant to reopen at this time. The Board did not see the Corrective Action Plan as being sustainable, and could not agree to let the restaurant reopen conditional on the Chef being there every day. In addition, there were more issues than cleanliness involved.

*Ms. Martin closed the Hearing to have a discussion between the Board of Health Members.*

Ms. Martin stated that she was trying to understand how over the last two years the Board suggested an Independent Consultant and a proper checklist to be in place, but those requirements did not work. Now there is a new player, but the same people are to manage those requirements. She really felt that the Board needed to see more of the Staff plan to say what will be organizationally different than before. The checklists still need to be developed and issues need to be dealt with that are still the responsibility of Mr. Son and she was not convinced things would be much different. Ms. Martin would like additional things to be done to further develop the plan which includes the Staff Plan and how to update and manage the checklists. With the new Staff Training Plan, Ms. Martin would like to see Staff training reinforcement, which could be done by working with the independent Consultant. The Board needs a training plan documented to bridge what is already in place.

Ms. Kellman stated that she thought she would hear and see more than a checklist of things to clean; she was looking for Mr. Son to be more introspecting and self critiquing of the issues that are still a concern and what his plan would be to correct them. Mr. Son needs to work on the things that the Board noted needed more work and clarification. The Board needs more information on staffing; who is responsible for what function, and who is going to speak up and say there is a problem, as well as how the problem will be resolved. Ms. Kellman was looking to hear more this evening from Mr. Son about what he may have been thinking as to how to rectify the problems, or other documents he could have given to the Board. In conclusion, the Board did not feel the plan submitted was ready for the Board to wisely approve.

*Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Show Cause Hearing to the next Board of Health Meeting on November 18, 2013, with an update in the plan about the deficiencies noted, and would require the updated plan to be submitted to the Board by*

*November 13, 2013 for review. Vote taken: Ms. Martin, Aye, Ms. Kellman, Aye. Unanimous approval.*

Mr. Linn asked the Board what the Appeal process is, and Mr. Carbone replied that Mr. Son would have to file in Superior Court. Mr. Linn indicated that Mr. Son would file an Appeal.

## **II. Adjournment**

*Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 9:00 p.m. Unanimous approval.*